REMARKS

Claims 1-7, 10-22, and 25-33 are pending in the present application. Claim 31 is amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claim 31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

Claim 31 is amended to provide antecedent basis for the phrase "the first text message." Therefore the rejection of claim 31 under 35 U.S.C. § 112, second paragraph is overcome. Since claim 31 is not rejected under prior art, the claim is assumed to be allowable.

II. 35 U.S.C. § 102, Anticipation

The Office Action rejects claims 1-7, 10-22, 25-30, and 32-33 under 35 U.S.C. § 102 as being anticipated by Logan et al. (US Patent No. 5,721,827), hereinafter referred to as "*Logan*." This rejection is respectfully traversed.

With respect to claims 1 and 16, the Office Action states:

> As to claims 1,16, with respect to Figures 1 and 5-7, **Logan** teaches a method in a data processing system for processing voice messages, the method comprising the data processing system implemented steps of:
>
> recording a voice message (Col. 12, lines 24-42);
>
> responsive to recording of the voice message, automatically inserting an an [sic.] indicator into a text message indicating a presence of a voice message (Col. 12, lines 55-67);
>
> responsive to recording of the voice message, automatically appending the voice message to the text message to form an appended voice message (Col. 12, line 64 through Col. 15, line 6); and
>
> sending the text message with the appended voice message (Col. 12, line 64 through Col. 15, line 16).

Office Action, dated June 19, 2002. Applicant respectfully disagrees. *Logan* teaches a system for electronically distributing personalized information. A library of programs is provided to subscribers through a player subsystem. The player is primarily an audio player used to play subscriber audio content. See *Logan*, col. 2, line 67, to col. 10, line 5.

The audio player of *Logan* also allows the user to record voice comments.

A cited portion of *Logan* states:

> The player **103** responds to the first command, "Accept" indicated at **263**, by temporarily suspending the playback in order to accept a spoken "comment" from the user which is recorded as indicated at **264**. After the conclusion of the comment, control is returned to **261** to test for additional commands before playback is resumed at **235**. As described in more detail later, comments dictated by the user are saved and later uploaded to the host system where they exist as program_segments.

Logan, col. 12, lines 24-32. Furthermore, another cited portion of *Logan* states:

> A first command, "Go" indicated at **265**, causes the player to make an immediate shift to a different program segment. For example, the spoken voice command "FIVE" can indicate a request to go to a predetermined numbered program segment while the spoken command "NEWS" could switch to the subject announcement segment for news programs. Alternatively, a mouse click on a screen-displayed menu of items, or a push-button on a hand controller connected by an infrared link to the player computer, could similarly be processed as a command to go to a predetermined program segment associated with that command signal. In such cases, the system records the start of the new segment on the log file (seen at **215** in **FIG. 2**) at **267** and switches the current playback position in the program sequence file **214** to the new setting at **269**, and the playback continues at **235**.

Logan, col. 12, line 55, to col. 13, line 2. This cited portion of *Logan* fails to teach or suggest appending a voice message to a text message to form an appended voice message, as alleged in the Office Action. To the contrary, the voice comments are recorded for previously stored subscriber audio content. In fact, *Logan* expressly states that the voice comment messages are "uploaded to the host system where they exist as program_segments."

In contradistinction, claim 1 recites:

> 1. A method in a data processing system for processing voice messages, the method comprising the data processing system implemented steps of:

recording a voice message;

responsive to recording of the voice message, automatically **inserting an indicator into a text message** indicating a presence of a voice message;

responsive to recording the voice message, automatically **appending the voice message to the text message** to form an appended voice message; and

sending the text message with the appended voice message. [emphasis added]

Thus, claim 1 recites separate steps of "inserting an indicator into a text message indicating a presence of a voice message" and "appending the voice message to the text message to form an appended voice message." *Logan* fails to teach or suggest "responsive to recording of the voice message, automatically inserting an indicator into a text message indicating a presence of a voice message," as recited in claims 1 and 16.

The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 1 and 16 are not anticipated by *Logan*. Claims 16 and 29 recite similar features and are allowable for the same reasons. Claims 1, 16, and 29 are not anticipated by *Logan* and the rejection must be withdrawn.

Since claims 2-7, 17-22, 30, 32, and 33 depend from claims 1 and 16, the same distinctions between *Logan* and the invention recited in claims 1 and 16 apply for these claims. Additionally, claims 2-7, 17-22, 30, 32, and 33 recite other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 1-7, 17-22, 29, 30, 32, and 33 is overcome.

Particularly, claims 32 and 33 recite "inserting the indicator into a body of the text message." *Logan* does not teach or suggest inserting an indicator into a text message indicating a presence of a voice message. Therefore, it follows that *Logan* also fails to teach inserting a text string **within the body** of the text message, as recited in claims 32 and 33. The reference fails to teach each and every claim limitation. Therefore, claims 32 and 33 are not anticipated by *Logan*.

With respect to claim 10, the Office Action states:

As to Claim 10, with respect to Figures 1 and 5-7, **Logan** teaches a method in a computer for receiving messages, the method comprising:

receiving a first text message including a custom message of a first type (Col. 10, lines 11-25);

parsing the first text message for an identifying string identifying a presence of a custom message associated with the first text message (Figure 6, label 435); and

responsive to the presence of the identifying string and responsive to selection of the text message, identifying the first type and presenting first controls to access the first custom message (Col. 10, lines 51-55);

receiving a second text message including a second custom message of a second type (Col. 10, lines 51-55 and Col. 11, lines 8-25);

parsing the second text message for an identifying string identifying a presence of a custom message (Col. 11, lines 26-35 and Figure 6, label 435); and

responsive to a presence of an identifying string in the second message, identifying the second type and presenting second controls to access the second custom message (Col. 11, lines 26-35 and Col. 17, lines 58-66).

Office Action, dated June 19, 2002. Applicant respectfully disagrees. The cited portion of *Logan* states:

> In order to limit access to the downloaded programming materials to the subscriber, the playback utility program executing on the client CPU **105** (**FIG. 1**) advantageously begins the session by requesting the entry of a password as indicated at **231**. The entry of this or a different password may also be required for access to the utility programs used to modify the subscriber's personal data, future program selections, and current program selections and sequencing. Similarly, information which might be revealed concerning an individual subscriber by the host server **101** is advantageously password protected.
>
> As with all Internet transactions, the actual data transmissions of information other than publicly available programming may also be encrypted. To this end, the client and server ends of the pathway may exchange public keys to enable encrypted transmission using conventional RSA encryption.

Logan, col. 10, lines 9-26. A cited portion of *Logan* also states:

> As indicated at **233**, the playback session begins with the presentation of an audio (and/or displayed) menu which allows the user to jump to any program segment within that sequence to start (or resume) playback at **235**, or terminate the session at **236**.

Logan, col. 10, lines 51-55. Neither the cited portion, nor any other portion, of *Logan* teaches or suggests "receiving a first text message including a first custom message of a first type," "parsing the first text message for an identifying string identifying a presence of a custom message associated with the first text message," and "responsive to the presence of the identifying string and responsive to selection of the text message, identifying the first type and presenting first controls to access the first custom message," as recited in claim 10.

In fact, the Office Action cites seemingly arbitrary portions of the reference with no analysis as to why the features found in *Logan* are equivalent to those recited in the claims. For example, how are password protection and encryption equivalent to receiving a text message including a custom message of a first type? How is an audio menu equivalent to identifying the first type and presenting first controls to access the first custom message? While item **435** in **Fig. 6** does mention the word "parsing," *Logan* does not teach or suggest "**parsing** the first text message **for an identifying string identifying a presence of a custom message** associated with the first text message," as recited in claim 10.

Furthermore, *Logan* fails to teach or suggest receiving two text messages with two custom messages of two different types, parsing the two messages for identifiers, identifying the two different types, and presenting two different controls to access the custom messages. Again, the Office Action cites seemingly arbitrary portions of the reference with no analysis as to why the teachings of the reference are equivalent to the claim limitations. The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 1 and 16 are not anticipated by *Logan*. Claim 25 recites similar features and is allowable for the same reasons. Claims 10 and 25 are not anticipated by *Logan* and the rejection must be withdrawn.

Since claims 11-13 and 26-28 depend from claims 10 and 25, respectively, the same distinctions between *Logan* and the invention recited in claim 10 apply for these claims. Additionally, claims 11-13 and 26-28 recite other additional combinations of features not suggested by the reference. Consequently, it is respectfully urged that the rejection of claims 10-13 and 25-28 is overcome.

Particularly, since *Logan* fails to teach a first custom message of a first type and a second custom message of a second type, it follows that *Logan* fails to teach or suggest that the first custom message is a voice message and the second custom message is a stock trade, as specifically recited, in claims 12 and 27.

With respect to claims 14 and 29, the Office Action states:

> As to Claims 14, 29, with respect to Figures 1 and 5-7, **Logan** teaches a messaging system for use in a data processing system, the messaging system comprising:
>
> a graphical user interface, wherein the graphical user interface provides selections for user input to create and send voice messages (Col. 14, line 64 through Col. 15, line 6); and
>
> a message processing mechanism, wherein the message processing mechanism has a plurality of modes of operation including:
>
> a first mode of operation in which the message processing mechanism waits for a user input (Col. 12, lines 16-24);
>
> a second mode of operation, responsive to a user input in the first mode of operation to record a voice message, in which the message processing mechanism stores voice data in a file (Col. 12, lines 24-38);
>
> a third mode of operation, responsive to a user input in the first mode of operation to select a recipient for the voice message, in which the message processing mechanism receives a selection of a recipient for the voice message (Col. 12, lines 32-38); and
>
> a fourth mode of operation, responsive to a user input in the first mode of operation to send the voice message and to a presence of a recipient for the voice message in the text message, appends the file to the text message, and sends the text message to the recipient (Col. 14, line 56 through Col. 15, line 12).

Office Action, dated June 19, 2002. Applicant respectfully disagrees. Claims 14 and 15 recite features similar to those presented in claims 1-7 and 10-13 and are allowable for the same reasons. The cited portion of *Logan* states:

> Dictating or keyboarding an annotation at a predetermined position in the bookmarked program segment, the annotation being saved in local storage so that, when the bookmarked program segment is reproduced, it will include the annotation. The bookmarked program segment and the annotation may then be saved as a unit for future reference or forwarded to another person.
>
> Bookmarked program segments, or annotations to bookmarked program segments, may be used in

> conjunction as an auxiliary audio voice mail and email handling system in which a subscriber's email and voice mail items are organized as topics in the playback session, enabling the subscriber to bookmark particular incoming messages (program segments) for further attention, or to dictate voice mail responses, or responses that can be converted to text form by a human typist or by a voice recognition system. This aspect of the present invention allows the subscriber to review and respond to incoming email and voice mail messages while commuting or traveling to more productively utilize travel time. Voice annotations may be stored in separate files which are uploaded to the host with the usage file and keyed to the program segment passages which they annotate by records in the usage log file.

Logan, col. 14, line 55, to col. 15, line 14. Again, the Office Action cites seemingly arbitrary portions of the reference with no analysis as to why the teachings of the reference are equivalent to the claim limitations. For example, how are dictating or keyboarding an annotation and bookmarking program segments, voice mails, and emails equivalent to "a fourth mode of operation, responsive to a user input in the first mode of operation to send the voice message and to a presence of a recipient for the voice message, in which the message processing mechanism creates a text message, inserts an identifying string, identifies a presence of the voice message in the text message, appends the file to the text message, and sends the text message to the recipient?"

The applied reference fails to teach or suggest each and every claim limitation; therefore, claims 14 and 29 are not anticipated by *Logan*. Claims 14, 15, and 29 are not anticipated by *Logan* and the rejection must be withdrawn. .

Therefore, the rejection of claims 1-7, 10-22, 25-30, 32, and 33 under 35 U.S.C. § 102 is overcome.

Furthermore, *Logan* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Logan* actually teaches away from the presently claimed invention because it teaches storing voice comment messages as program_segments separate from subscriber audio content, as opposed to a inserting an indicator into a text message indicating a presence of a voice message and appending the voice message to the text message to form an appended voice message as in the presently

claimed invention. Absent the Office Action pointing out some teaching or incentive to implement *Logan* with a text message system with custom messages, one of ordinary skill in the art would not be led to modify *Logan* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Logan* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

III. Conclusion

It is respectfully urged that the subject application is patentable over *Logan* and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: Sept. 17, 2002

Respectfully submitted,

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APPENDIX OF REDACTED CLAIMS

IN THE CLAIMS:

Please amend claim 31 as follows:

31. (Twice Amended) A computer program product in a computer readable medium for receiving voice messages, the computer program product comprising:

first instructions for receiving a [voice] first text message including a first custom message of a first type;

second instructions for parsing the first text message for an identifying string identifying a presence of a custom message;

third instructions, responsive to a presence of an identifying string in the first text message, for identifying the first type and presenting first controls to access the first custom message;

fourth instructions for receiving a second text message including a second custom message of a second type;

fifth instructions for parsing the second text message for an identifying string identifying a presence of a custom message; and

sixth instructions for responsive to a presence of an identifying string in the second message, identifying the second type and presenting second controls to access the second custom message.